
Instructions

Divorce - No Minor Children

Marital Settlement Agreement by Joint Petitioners

The **Marital Settlement Agreement** is used to tell the court what decisions that parties have agreed to with regards to their divorce. Even if you and your spouse do not agree on all the issues identified in the **Marital Settlement Agreement**, complete as many as possible and leave the others blank. This agreement will become part of your final divorce papers, so consider each issue carefully.

Caption

In the caption of the **Marital Settlement Agreement**, print your and your spouse's full names (first name, middle initial and last name) as they appear on the **Petition**. Below each name print the correct Social Security Number for each party.

The status of the State's interest may have changed since you last filed forms with the court so you must again call the Child Support Division at (262) 548-7420 to determine if the State of Wisconsin is a party to this case. Mark only one box with an **X** to report whether the State is a party.

Print the **case number** assigned to this action and mark with an **X** if this action is a **Divorce** or **Legal Separation**.

Document

Section I: Preliminary Statements

Paragraph 1: Print the number of **adult** children you and your spouse have on the second blank. If none, print the number **0**.

If you and your spouse have any minor children, you must STOP completing this set of forms and complete the forms labeled Divorce-With Minor Children.

Paragraph 2: To proceed with divorce in Wisconsin, there must be an allegation that the marriage is irretrievably broken. For a legal separation, an allegation must be made that the marriage is broken. Mark an **X** in the appropriate box. If you are filing for a legal separation, you must also give the reasons why you believe the marriage is broken on the lines that follow.

Paragraphs 3-6: Read paragraphs 4-8 to make sure the statements are accurate. If they are not, make a note to discuss them in court at the Pre-Trial Conference.

Section II: Marital Settlement Agreement

The following paragraphs outline for the court what agreements you and your spouse have made with regards to maintenance, and/or property. Leave blank those items you have not yet come to an agreement about.

Paragraph 1A 1-3: Choose, by marking with an **X**, one of the options 1-3. For option 2, give the circumstances under which the wife could request maintenance in the future. For option 3, give the amount that the wife should pay to the husband each month, along with the starting and ending dates for such payments. **Note:** All maintenance payments must be claimed as income by the party receiving the payments and are deductible for the party paying them.

Paragraph 1B 1-3: Choose, by marking with an **X**, one of the options 1-3. For option 2, give the circumstances under which the husband could request maintenance in the future. For option 3, give the amount that the husband should pay to the wife each month, along with the starting and ending dates for such payments. **Note:** All maintenance payments must be claimed as income by the party receiving the payments and are deductible for the party paying them.

Paragraph 2A: Read carefully. If a party does not disclose all debts or other obligations in this document, the other party will not be held responsible by this document to pay for those not included.

Paragraphs 2B-D: If there are no **marital or non-marital** debts or obligations, mark an **X** in B. If there are debts and obligations and you have agreed which party will be responsible for payment, mark an **X** for C and/or D and indicate the creditor's name and the amount to be paid. Remember, the agreement that is made in this document does not mean anything to those who gave you credit while you were married.

Paragraphs 3A-B: For each party, indicate with an **X** all the property he/she will retain possession of, and give the description requested for each item. If there is not enough space for all the items, attach an additional sheet.

Paragraphs 4A-C: Mark with an **X** whether you do not own real estate (A) or do own real estate (B). If you do own real estate, you must list your primary address, attach a copy of the full legal description of the property, **and** mark only one with an **X** for options (B)1-4. For options 3 and 4 you must also give the date the house must be sold by and describe the method by which you are going to divide the equity.

If you own any property in addition to your primary residence, you must list the address, attach the legal description, and state your agreement as to how to divide it. Attach an additional sheet if more space is needed.

Paragraphs 5A-B: The IRS governs how individuals have to file their tax returns for the year of the divorce. Contact an accountant familiar with Federal and State tax regulations. If you have not yet filed income taxes for the year before the divorce, or any other year, complete either B1 or B2.

Paragraphs 6A-C: Mark an **X** in A if neither party owes the other past due maintenance payments. If one or both owes the other past due maintenance mark an **X** in B or C, list the amount owed, the interest rate due, and whether it will be paid as option 1 or 2. If option 2 is chosen, list the amount to be paid each month and the party's employer contact information.

Paragraphs 7-8A-B: Read carefully

Paragraph 9: If either party took a new name at the time of the marriage and would like to continue to use that name mark the appropriate **X** in A. If either party would like to return to using a former name, mark B or C and list the name(s) each would like to use.

Paragraphs 10-16: Read carefully.

Paragraph 17: Use the space provided to list any agreements you and your spouse came to that have not been described in paragraphs 1-16. If there are no additions, write none. If additional space is needed, attach a sheet of paper and continue

Signatures

A representative from the Waukesha County Child Support Division must either sign the Marital Settlement Agreement or must indicate they are not involved and initial in the space provided. If the State is aware that it is a party to the case, a representative from the Child Support Division will be present at the Pre-Trial Conference, and you can get his/her signature at that time. You may need to call the Child Support Division at (262) 548-7420 to again verify the State is not a party. If it is not a party, you will need to arrange to have a representative initial in the space provided.

Both parties must also sign and date the document at the bottom.